

### REMARKS

In response to the final Office Action of April 30, 2008, applicants ask that all claims be allowed in view of the amendments and the following remarks. Claims 1-23 are pending, with claims 1, 14, and 16 being independent. Claims 1, 5, 7, 8, 14, 15, 16, 17, 18, and 20 have been amended, and claims 22 and 23 have been added. Support for the amendments and the new claims is found in the application at, for example, page 4, lines 2-9 and Fig. 1. No new matter has been added.

This response is being filed concurrently with a Request for Continued Examination.

#### **Claim Rejections—35 U.S.C. § 112, second paragraph**

Claims 16-21 have been rejected as being indefinite. As shown above, claim 16 has been amended, and the amendment is believed to address the Examiner's concerns. Accordingly, applicants request reconsideration and withdrawal of the rejection of dependent claim 16 and claims 17-21, which depend, directly or indirectly, from claim 16.

#### **Claim Rejections—35 U.S.C. § 103**

##### Claims 1-8 and 11-20

Claims 1-8 and 11-20 have been rejected as being unpatentable over U.S. Patent No. 6,389,325 (Rutkowski). Applicants request reconsideration and withdrawal of this rejection because Rutkowski does not describe or suggest a display having a first display region and a second display region, where the first display region permanently displays a main activity menu that provides selection of different main activity modes of a machine tool, where each main activity mode is associated with a main window that is opened in the second display region when its associated main activity mode is selected in the main activity menu, at least one of the main activity windows includes a permanently displayed submenu that provides selection of different submodes, and the first display region permanently displays which one of the main activity modes is selected, as recited in independent claims 1 and 14.

In Rutkowski, a display unit 1 includes a title line 11 having menu items such as "MODE" and "FILE" (unlabeled) and a display 10 in which display windows 20, 30 are displayed. See Rutkowski at col. 2, line 67 to col. 3, line 30 and Fig. 2. The display windows

20, 30 are each assigned to different processing units or processing task of a machine tool. See Rutkowski at col. 2, line 67 to col. 3, line 3. In one aspect of Rutkowski, the windows 20, 30 have a two-part structure including a title line 21, 31 and a display area 22, 32. See Rutkowski at col. 3, lines 41-43 and Fig. 2. The title lines 21, 31 include at least one title area 21.1 and 31.1 in which the corresponding processing unit or processing function can be placed. See Rutkowski at col. 3, lines 43-47 and Fig. 2. In the example shown in Figure 2 of Rutkowski, the processing functions "GRINDING" and "DRESSING" are respectively shown in the title areas 21.1 and 31.1. See Rutkowski at col. 3, lines 46-50 and Fig. 2.

Initially, it is noted that the title line 11 cannot be equated with the recited main menu of a first display region because, as shown in Figure 2, the title line 11 does not include options for the selection of main activity modes of a machine tool. Rather, the title line 11 includes selections such as "MODE," "FILE" and "OPTIONS," which are the different menu options for the user interface of the display 10. Thus, regardless of whether the title line 11 is permanently displayed, the title line 11 cannot be equated with the recited main menu. Additionally, the selection of the mode of operation through the title line 11 is done by activating the menu item "MODE OF OPERATION" in the title line 11 (see Rutkowski col. 5, lines 42-45), and the operating mode may be selected from a pull-down menu that includes the various possible modes of operation as selectable options (see Rutkowski at col. 5, lines 47-49). However, there is no indication that the pull-down menu (which is the only menu that provides a selection of activity main modes) is permanently displayed.

And, although the display window 20 is selected by the menu mode "WINDOW" of the title line 11, the display window 20 is not permanently displayed on the display 10. Moreover, the title line 11 does not permanently display which one of the user interface menu options is selected. If one were to consider the display window 20 in Rutkowski as being a first display region that displays the title bar 21 that provides for selection of title areas 21.1, 21.2, etc., there is nothing in Rutkowski that describes or suggests that each title area 21.1, 21.2, etc. is associated with a main window that is opened in a second display region when the title areas 21.1, 21.2, etc. is selected, and neither is there any description that such a main window would include a permanently displayed submenu that provides selection of different submodes.

Additionally, there is no indication that the display window 20 or the title bar 21 permanently displays which of the title areas 21.1, 21.2, etc. (the processing functions) is selected.

Instead, in Rutkowski, the menu from which the processing function is selected is only temporarily displayed. In one aspect of Rutkowski, the selection of a desired operating state or mode of operation from within the display window 30 can be done by placing a cursor on one of the graphical symbols in the operating state areas 31.2-31.6, pressing a mouse, and selecting the mode of operation that is, in turn, presented visually as emphasized text. See Rutkowski at col. 5, lines 35-41. However, as seen in Figure 2 of Rutkowski, the operating state areas 31.2-31.6 do not themselves display the available operating states.

Accordingly, Rutkowski does not describe or suggest a display that is divided into at least a first display region and a second display region, where the first display region permanently displays a main menu that provides selection of different main activity modes of a machine tool, and where the first display region permanently displays which one of the main activity modes is selected, as recited in amended claims 1 and 14. Moreover, Rutkowski does not describe or suggest that each main activity mode is associated with a main window that is opened in the second display region when a main activity mode is selected in the main menu, where at least one of the main windows includes a permanently displayed submenu that provides selection of different submodes, as also recited in amended claims 1 and 14.

The Office cites to column 3, lines 15-17 of Rutkowski as showing "at least one of the main windows includes a permanently displayed submenu that provides selection of different submodes." See Office Action at page 6. Applicants disagree. The cited portion of Rutkowski indicates that the submenus assigned to the menu items in the title line 11 vary according to the display window 20, 30. However, Rutkowski's submenus cannot be equated with the recited submenus because Rutkowski's submenus are not permanently displayed. Rather, Rutkowski's submenus, which can be in the form of a pull-down menu, include menu items that can be selected or activated only after the pull-down menu is appropriately activated. See Rutkowski at col. 3, lines 23-28.

For at least these reasons, applicants request reconsideration and withdrawal of the rejection of claims 1 and 14, and claims 2-8, 11-13, and 15-20, which depend from claims 1 or 14.

Claim 10

Claim 10, which depends from claim 1, has been rejected as being unpatentable over Rutkowski in view of U.S. Patent No. 6,236,299 (Nishiyama). Applicants request reconsideration and withdrawal of this rejection because Nishiyama, which is cited as showing a touch panel overlaid on a liquid crystal display (LCD), does not remedy the failure of Rutkowski to describe or suggest the noted features of claim 1.

Nishiyama relates to a display method for information setting screens for displaying multiple information-setting screens along the flow of a process in a machine tool. See Nishiyama at col. 1, lines 9-12. In Nishiyama, an icon group  $A_i$  that provides a selection of different main modes ( $Ab_1$ ,  $Ab_2$ , etc.) is displayed at a top portion of a window, and when a user selects one of the main modes (such as mode  $Ab_2$  for the bending order/dies instruction program), a bending order instruction program displays a control parameter setting screen  $B_1$ , an exploded drawing screen  $B_2$ , and simulation screens  $B_3$ ,  $B_4$  in a lower portion of the window. See Nishiyama at col. 10, lines 10-26 and Figs. 5 and 12. It appears that a user can select various bending lines (for example, lines 1-7) of the object shown in the drawing screen  $B_2$  and a simulation image of the bent object is shown in screen  $B_3$ . See Nishiyama at col. 10, lines 22-43 and Fig. 12.

However, Nishiyama never describes or suggests that the icon group  $A_i$  permanently displays which one of the different main modes is selected. Rather, Nishiyama explains that information setting screens are arranged along a process flow to avoid switching between different screens. See Nishiyama at col. 2, lines 34-57.

Thus, like Rutkowski, Nishiyama does not describe or suggest a display that is divided into at least a first display region and a second display region, where the first display region permanently displays a main menu that provides selection of different main activity modes of a machine tool, and where the first display region permanently displays which one of the main activity modes is selected, as recited in amended claim 1.

Accordingly, claim 1 is allowable over any proper combination of Rutkowski and Nishiyama, as is dependent claim 10.

Claims 9 and 21

Claims 9 and 21, which respectively depend from claim 1 and claim 14, have been rejected as being unpatentable over Rutkowski in view of U.S. Patent No. 6,944,829 (Dando). Applicants request reconsideration and withdrawal of this rejection because Dando, which is cited as showing tabbed menus, does not remedy the failure of Rutkowski to describe or suggest the noted features of claims 1 and 14.

Dando relates to a configurable user-interface frame management system. See Dando at col. 4, lines 45-47. A blank, generic on-screen frame 3031 includes an on-screen object 3051. The on-screen object 3051 has a "JTabbedPane" 3071, and the "JTabbedPane" 3071 has only a title bar 320 and a view 318 that are configured in a tabbed layout. See Dando at col. 9, lines 3-17 and Fig. 3. However, even if Dando discloses an interface that includes a tabbed layout, there is no suggestion in Dando that the user-interface frame management system permanently displays a menu that provides selection of different main activity modes of a machine tool. Instead, Dando's techniques focus on configuration of a generic interface, and, in particular, Dando provides techniques for "enabling, disabling, and changing of the menu and toolbar options" (see Dando at col. 1, lines 63-65) through a configurable user-interface system and there is no mention of using the interface system with a machine tool at all.

Accordingly, like Rutkowski, Dando does not suggest at least a display that is divided into at least a first display region and a second display region, where the first display region permanently displays a main menu that provides selection of different main activity modes of a machine tool, and where the first display region permanently displays which one of the main activity modes is selected, as recited in amended claims 1 and 14.

Claims 1 and 14 are allowable over any proper combination of Rutkowski and Dando, as are dependent claims 9 and 21.

**New Claims**

New claims 22 and 23 depend from claims 1 and 14, respectively, and are believed to be allowable over Rutkowski, Nishiyama, Dando, and any proper combination of the three for at least the reasons discussed above with respect to independent claims 1 and 14 and for reciting allowable subject matter in their own right.

New claims 22 and 23 recite that the main activity modes include at least one of production, setting, programming, maintenance, start-up, and diagnosis. As discussed above, none of these three references describes or suggests at least a display that is divided into at least a first display region and a second display region, where the first display region permanently displays a main menu that provides selection of different main activity modes of a machine tool, and where the first display region permanently displays which one of the main activity modes is selected. Accordingly, none of these references describe or suggest such a display where the main activity modes include at least one of production, setting, programming, maintenance, start-up, and diagnosis.

For example, in Rutkowski, the title line 11 includes menu options that are associated with the user interface of the display 10, but not a machine tool. Thus, the title line 11 also does not include menu options that include activity modes of a machine tool that include least one of production, setting, programming, maintenance, start-up, and diagnosis. Moreover, nowhere does Rutkowski suggest activity modes of a machine tool that include least one of production, setting, programming, maintenance, start-up, and diagnosis presented on a user interface with the features of the one claimed in claims 1 and 14.

Accordingly, new claims 22 and 23 are allowable for at least this additional reason.

### **Conclusion**

Applicants submit that all claims are in condition for allowance.

It is believed that all of the pending issues have been addressed. However, the absence of a reply to a specific rejection, issue or comment does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above may not be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this reply should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this reply, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment.

The \$1,110.00 for the Petition for Extension of Time fee and the \$810.00 for the Request for Continued Examination are being paid concurrently herewith on the Electronic Filing System

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(EFS) by way of Deposit Account authorization. No other fees are believed due. Nonetheless, please apply any charges or credits to Deposit Account No. 06-1050.

Respectfully submitted,

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